

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

NON-APPROPRIATED DISTRICT COURT FUND PLAN

Effective June 1, 2009

The District of North Dakota maintains a Non-Appropriated District Court Fund ("Fund") for the use and benefit of the bar and bench in the administration of justice. Each attorney admitted to the bar of this Court must pay a one-time fee of fifty dollars (\$50.00) at the time of admission for the maintenance of the Fund. Each attorney appearing *pro hac vice* must pay a fee of one hundred and fifty dollars (\$150.00) per case at the time of first appearance for the maintenance of the Fund. These assessments are in addition to any admission fees imposed by the Judicial Conference of the United States. The following plan for administering and operating the Fund is adopted by the Court in conformance with the *Guide to Judiciary Policy*, Vol. 13, Ch. 12 and D.N.D. Gen. L.R. 1.12.

I. Advisory Committee

The Advisory Committee consists of the Chief District Judge, the Chairperson of the Federal Practice Committee and the Clerk of Court. The Advisory Committee is the trustee of the Fund tasked with administration and operation of the Fund in compliance with the requirements of the *Guide to Judiciary Policy* and Gen. L.R. 1.12.

II. Custodian

The Clerk of Court serves as the Custodian. The Custodian supervises the receipt, deposit and disbursement for all fees maintained in the Fund. The Custodian is charged with effecting all audits and accountings and for carrying out all responsibilities tasked by the *Guide* or by the Advisory Committee.

III. Funds

Local admission fees collected under the authority of this Plan must be deposited in the Court's Deposit Fund, and posted in the Treasury Control Account ledger maintained by the Court. Not less than once each fiscal quarter, the Custodian will cause fees to be transferred from the Court's Deposit Fund to the Non-Appropriated District Court Fund. Whenever practical and feasible the Fund should be invested in interest-bearing accounts, money market funds or government obligations. The Fund must be segregated from all other monies in the custody of the Court.

IV. Disbursement of Funds

The Fund may be used only for purposes to benefit the bar and bench in the administration of justice. The Fund must not be used for any purposes for which appropriated funds may be legally used, even if the appropriated funds are exhausted or otherwise not available, or to supplement the salary of any court officer or employee. The Advisory Committee must approve all requests for payment of expenditures from the Fund. The Custodian will issue payment upon direction of the Advisory Committee and upon presentation of proper receipts for which advance approval was obtained from the Advisory Committee. Examples of proper uses of the Fund may include:

1. Attorney admission proceedings;
2. Attorney discipline proceedings;
3. Lawyer lounge facilities, other than construction or build-out expenses;
4. Fees for services rendered by independent Fund auditors;
5. Judicial investitures and ceremonies for expenditures not permissible from appropriated funds;
6. Compensation and expenses for attorneys appointed by the Court to represent indigent civil litigants;
7. Litigation expenses of civil litigants permitted to proceed in forma pauperis;
8. District Historical Society Projects;
9. Federal Practice Committee Projects;
10. Continuing Legal Education Seminars for the bar; or
11. Refreshments for CM/ECF training to the public.

V. Audits

The Custodian must conduct, at a minimum, an annual audit and accounting of the Fund. In addition to the audits and accounting mandated by the *Guide*, an exit audit must be conducted at the time a successor Custodian is appointed. The departing Custodian must sign the final report of the exit audit. The successor Custodian must execute a receipt acknowledging transfer of the Fund. This Non-Appropriated District Court Fund Plan amends and supercedes the plan adopted on October 22, 2001.